

REMARKS / ARGUMENTS

Claims 7, 8 and 10-12 are pending in the Application. Claim 7 has been amended to include the limitations of cancelled Claims 8 and 10 and to indicate that the work station wagons are moved along the insertion guide track by a load-dependant friction drive. Support for the amendments can be found in the cancelled claims and at page 4, lines 24-30.

Making First Office Action Final

The Examiner has acknowledged Applicant's Request for Continued Examination (RCE) under 37 C.F.R. § 1.114, but has made the first Office Action after the RCE Final.

37 C.F.R. § 1.114 (d) states "If an applicant timely files a submission and fee set forth in § 1.17(e), the Office will withdraw the finality of any Office action and the submission will be entered and considered." Applicant has complied with the provisions of 37 C.F.R. § 1.114.

Applicant understands the Examiner's ability to invoke MPEP § 706.07(b), but ask that the Examiner reconsider because the Applicant has made a good faith effort to advance prosecution. Based on that good faith effort, Applicant requests that the Examiner enter and consider the present Amendment, which Applicant believes will place the application in condition for allowance.

Rejections Under 35 U.S.C. § 112, first paragraph

Claims 7, 8 and 10-12 stand rejected under 35 U.S.C. § 112, first paragraph as being based on an inadequate disclosure. Specifically, the Examiner alleges that in Claim 7, the terms "first guide roller" and "second guide roller" are inadequately disclosed and that the claims are incomplete because the coupling and detaching functions are recited but the means for accomplishing them are not.

Claim 7 has been amended to include the limitations of cancelled Claims 8 and 10.

Amended Claim 7 still contains the terms "guide rollers" and "carrier cages". Applicant asserts that one skilled in the art would readily recognize and understand these terms. In order to substantiate these assertions, Applicant includes herewith copies of catalog pages from a Bickle, Räder + Rollen catalog, which show

commercially available guide rollers that can be used in the invention and pages from a Ketten Wulf catalog, which show commercially available carrier cages that can be used in the invention.

The Bickle, Räder + Rollen catalog has been published since 1996. The particular guide rollers shown are particularly well suited for the claimed device and are made of polyamide and include a ball-bearing.

The Ketten Wulf catalog has been published since 1985. A chain is shown on page 282, which is equipped with rectangular projecting carrier bolts wherein carrier cages are formed between every two carrier bolts.

As the Board stated in its September 25, 2002 decision:

The test regarding enablement is whether the disclosure, as filed, is sufficiently complete to enable one skilled in the art to make and use the claimed invention without undue experimentation. The experimentation required, in addition to not being undue, must not require ingenuity beyond that expected of one of ordinary skill in the art. Moreover, the specification must teach those of skill in the art how to make and use the invention as broadly as it is claimed.

Courts have defined that "a person of ordinary skill in the art is deemed to be aware of all relevant prior art." *Helifix, Ltd. v. Blok-Lok, Ltd.*, 208 F.3d 1339, 1347 (Fed. Cir. 2000). Thus a skilled artisan would have understood what "guide rollers" and "carrier cages" were because of their widespread availability in commercially available catalogs. Applicant has used the terms "guide rollers" and "carrier cages" because a skilled artisan would have known what they were and how to use them in the invention as described.

Claim 7 has been amended to indicate that the work station wagons are moved along the insertion guide track by a load-dependant friction drive as suggested by the Examiner in order to have the claim more completely describe the invention.

The Examiner also suggests that the claimed device will not work without "wagon crushing." The Examiner is directed to the disclosure at page 4, lines 16-30 and page 6, lines 1-10 in connection with figures 1, 2, and 4. In the region of deflection (40) of the chain, the work station wagons are wider apart as shown for example in figure 2 for wagon IV. Because the insertion guide track has a load

dependant friction drive in which the maximum speed is higher than the chain speed, the wagon to be inserted is accelerated to a higher speed than the following wagon which is traveling in the region of the deflection chain.

Thus, the wagon to be inserted moves into the gap between the following wagon and the preceding wagon. In the region in front of the switchable points tongues (in other words the region in front of transfer point 31) the wagon to be inserted loses contact with the driving wheels of the friction drive and is no longer driven by the friction drive. Thus, the velocity of the wagon to be inserted decreases in the region in front of the transfer point 31.

Figures 1, 2, and 4 show that the driving wheel which is located next to the transfer point 31 at the insertion guide track is located at a distance from the switchable points tongues which exceeds one wagon length. Thus, the wagon to be inserted is no longer driven by the friction drive for a distance that exceeds one wagon length. The wheels of the friction drive are not indicated by reference numerals in figures 1, 2, and 4. In figure 1, for example, the wheels of the friction drives are illustrated in the form of circles and are located under the insertion guide track.

After the wagon to be inserted has been transported into the gap between the following and the preceding wagon by the friction drive and after the velocity of the wagon to be inserted has been reduced by the loss of contact with the driving wheels of the friction drive, the speed of the wagon to be inserted decreases and becomes slower than the speed of the following wagon. Thus, the following wagon pushes the wagon to be inserted via its spacer into the position in which the connection of the wagon to be inserted to the chain takes place.

The Examiner suggests that there is no disclosure of any control system to prevent wagon crushing on insertion. As described above, the insertion control mechanism is inherent in the design of the present device as shown in figures 1, 2, and 4.

Drawings alone can be sufficient to provide the "written description of the invention" required by 35 U.S.C. § 112, first paragraph. Vas-Cath, Inc. v. Mahurkar, 935 F.2d 1555, 1564 (Fed. Cir. 1991).

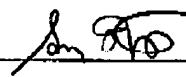
As the amended claims are fully supported in the specification, which adequately describes and illustrates the invention, the rejections under 35 U.S.C. § 112, first paragraph should be withdrawn.

CONCLUSION

In view of the above amendments and remarks, reconsideration of the rejections and allowance of Claims 7, 11 and 12 are respectfully requested.

Respectfully submitted,

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